IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5695 OF 2004

Manju Anwarali Khatun .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Kuldeep Patil with R. Shreevastav for Applicant.
Shri A. S. Gadkari, APP for Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 22, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. It is seen that the incident in question took place on 15-07-2004. The deceased was admitted in hospital and was later on discharged on 18th July, 2004 at 12.30 p.m.. It is noticed that the deceased subsequently was found in drunken condition and misbehaving on the road and it is thereafter, she has died. If this is the fact situation, it is too much to say that an offence under section 302 is made out. The cause of death has not been thoroughly investigated. The applicant will have to be tried in

connection with the incident which actually happened on 15th July, 2005 but surely not for offence under section 302 unless the prosecution is able to establish something more and explain that the deceased was discharged inspite of her precarious health condition. Be that as it may, taking over all view of the matter, the applicant deserves to be enlarged on bail. The fact that the co-accused are absconding, is not a ground for declining bail to the applicant herein. The learned APP, states that the applicant has her place of residence at Malvani but those are unauthorised structure and are likely to be removed and that she has no fixed place of abode. This argument can be taken care of by imposing strict conditions, requiring the applicant to attend the local police station once in a week. Hence, the following order :-

(a) Applicant is enlarged on bail in connection with C.R.No. 136/2004, registered with Malvani Police Station, Mumbai on executing personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand only) with two local sureties in the like amount.

(b) The Applicant shall regularly report to the concerned police station once in a week on every Saturday between 10 a.m. to 12 p.m. and he shall not leave jurisdiction of the said police station without prior intimation to the investigating officer as well as trial court.

(c) The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(d) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

4. Ordered accordingly.

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